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Attorneys for Plaintiff
United States of America

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

MARCUS NEWTON,

Defendants.

CASE NO. 1:22-CR-00120-ADA-BAM

STIPULATION REGARDING EXCLUDABLE
TIME PERIODS UNDER SPEEDY TRIAL ACT;
ORDER

DATE: October 11, 2023
TIME: 1:00 P.M.
COURT: Hon. Barbara A. McAuliffe

Plaintiff United States of America, by and through its counsel of record, and defendant, by and through defendant's counsel of record, hereby stipulate as follows:

1. By previous order, this matter was set for status conference on October 11, 2023.
2. By this stipulation, defendant now moves to continue the status conference until December 13, 2023, and to exclude time between October 11, 2023, and December 13, 2023, under 18 U.S.C. § 3161(h)(7)(A), B(i) and (ii).
3. The parties will be prepared to set a trial date at the next status conference unless the case is sooner resolved.
4. The parties agree and stipulate, and request that the Court find the following:
 - a) The government has represented that the discovery associated with this case includes wiretap recordings, thousands of pages of investigative reports, surveillance video, audio recordings, cell phone extractions, and other voluminous materials. All of this discovery

1 has been either produced directly to counsel and/or made available for inspection and copying.

2 b) Counsel for defendant desires additional time consult with her client, review the
3 voluminous discovery, and conduct independent investigation.

4 c) The government has presented defense counsel with and offer to resolve the case.
5 Defense counsel has not had an opportunity to review the agreement with her client and needs
6 the additional time to do so as well as to conduct independent investigation.

7 d) Counsel for defendant believes that failure to grant the above-requested
8 continuance would deny her the reasonable time necessary for effective preparation, taking into
9 account the exercise of due diligence.

10 e) The government does not object to the continuance.

11 f) Based on the above-stated findings, the ends of justice served by continuing the
12 case as requested outweigh the interest of the public and the defendant in a trial within the
13 original date prescribed by the Speedy Trial Act.

14 g) For the purpose of computing time under the Speedy Trial Act, 18 U.S.C. § 3161,
15 et seq., within which trial must commence, the time period of October 11, 2023 to December 13,
16 2023, inclusive, is deemed excludable pursuant to 18 U.S.C. § 3161(h)(7)(A), B(i), B(ii) because
17 it is so unusual or so complex, due to the number of defendants, the nature of the prosecution, or
18 the existence of novel questions of fact or law, that it is unreasonable to expect adequate
19 preparation for pretrial proceedings or for the trial itself within the time limits established by this
20 section.

21 5. Nothing in this stipulation and order shall preclude a finding that other provisions of the
22 Speedy Trial Act dictate that additional time periods are excludable from the period within which a trial
23 must commence.

24 IT IS SO STIPULATED.

1 Dated: October 3, 2023

PHILLIP A. TALBERT
United States Attorney

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3 /s/ JUSTIN J. GILIO
JUSTIN J. GILIO
Assistant United States Attorney

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5 Dated: October 3, 2023

/s/ Christina Corcoran
Christina Corcoran
Counsel for Defendant
Marcus Newton

8 **ORDER**

9 IT IS SO ORDERED that the status conference is continued from October 11, 2023, to **December**
10 **13, 2023, at 1:00 p.m. before Magistrate Judge Barbara A. McAuliffe.** Time is excluded pursuant to
11 18 U.S.C. § 3161(h)(7)(A), B(i), B(ii).

12 IT IS SO ORDERED.

13
14 Dated: **October 4, 2023**

/s/ *Barbara A. McAuliffe*
UNITED STATES MAGISTRATE JUDGE